

REMARKS

Applicants thank Examiner Fubara for the helpful and courteous discussion of August 9, 2006. During the discussion, Applicants' U.S. representative pointed out that at least one of the prior art references (i.e., Hori) discloses a composition having a maximum viscosity of 100,000 mPa·s which is equivalent to a maximum viscosity of 1,000 poise.

Present independent Claim 1 is drawn to a gel depilatory sheet that includes a gel depilatory composition having a viscosity of 300,000 mPa·s or more. A high viscosity permits the gel depilatory composition to be in the form of a gel that doesn't form any liquid droplets. A viscosity of less than 20,000,000 mPa·s provides a composition that is not too solid and gives good moldability so that the composition is easily made into a sheet (see paragraph [0104] of the PG publication corresponding to the present application, i.e., 20020146380). Such advantages and/or properties are not disclosed as features of the prior art compositions cited by the Office.

The Office rejected independent Claim 1 as obvious in view of a patent to Hori (U.S. 4,830,633). On the one hand, the Office conceded that the composition of Hori "has a viscosity of from 0.1 to 1,000 poise at 30°C" (see page 3, lines 9-10 of the Office Action of June 29, 2006). On the other hand, the Office asserted that "a person of ordinary skill in the art is able to adjust the viscosity of the composition in order to effectively apply the composition" (see page 5, lines 11-12 of the Office Action of June 29, 2006).

The Office provides no basis for asserting that it would be obvious for one of ordinary skill in the art to adjust the viscosity of the Hori composition outside of the 0.1-1,000 poise range disclosed by Hori. Applicants note that a viscosity range of 0.1-1,000 **poise** is the same as a viscosity range of 10-100,000 **mPa·s**.

Applicants submit that it is unquestionable that Hori discloses a fixed viscosity range for the prior art compositions used in the prior art depilatory agent. In fact, Hori describes the prior art composition as follows:

[I]t is designed such that the viscosity is 0.1 to 1,000 poises (at 30°C), preferably 0.2 to 100 poise (at 30°C). (See column 2, lines 25-27 and lines 52-54 of Hori).

Hori does not disclose or suggest that a viscosity of greater than 1,000 poise (i.e., greater than 100,000 mPa·s) is acceptable for the prior art composition. Likewise, none of the other prior art references relied upon by the Office disclose a gel depilatory composition having a viscosity of greater than 100,000 mPa·s.

Because the prior art relied upon by the Office does not disclose or suggest one of the present claim limitations, the prior art cannot render present independent Claim 1 obvious. Thus, the rejection the claims in view of Hori, alone or in combination with the other cited prior art, is not supportable and should be withdrawn.

With respect to the rejection of Claim 29, the Office stated in the Response to Arguments section of the Office Action of June 29, 2006 that Hori's disclosure of a polyvinyl alcohol was sufficient to render the subject matter of Claim 29 obvious. Claim 29 includes a Markush group of three different polyvinyl alcohols; namely, an itaconic acid-modified polyvinyl alcohol, a sulfonic acid-modified polyvinyl alcohol, and a maleic acid-modified polyvinyl alcohol. Regardless that Hori may disclose the broad genus of a polyvinyl alcohol, Applicants submit that Hori does not disclose any of the itaconic acid-, sulfonic acid-, or maleic acid-modified polyvinyl alcohols of Claim 29. Likewise, the other prior art relied upon by the Office does not disclose the particular polyvinyl alcohols of Claim 29.

Because the prior art relied upon by the Office does not disclose all of the limitations of Claim 29, Applicants submit that Claim 29 cannot be rendered obvious by the cited prior

art. Applicants draw the Office's attention to new dependent Claims 37-39 which individually recite the polyvinyl alcohols of Claim 29.

In the Amendment filed on April 3, 2006, Applicants provided reasons why the subject matter of independent Claims 35 and 36 is patentable over the prior art relied upon by the Office (see page 10, fourth full paragraph through page 11, second to the last full paragraph of the April 3, 2006 Amendment).

Importantly, the subject matter of Claims 35 and 36 excludes the method of Hori. As argued at length in the April 3, 2006 Amendment, the process of Hori includes a drying step. Claims 35 and 36 necessarily exclude such a drying step by the use of the transitional phrase "consists of" in the preamble of the claims. Applicants submit that Claims 35 and 36 do not overlap the processes disclosed in Hori because Claims 35 and 36 exclude processes that include the manipulative steps required by Hori. Further, Hori cannot suggest the processes of Claims 35 and 36 because the processes of present Claims 35 and 36 are exclusive of the processes of Hori. Thus, the Office's rejection of Claims 35 and 36 in view of Hori is not supportable and should be withdrawn.

Applicants draw the Office's attention to the specification on page 24, lines 5-9, reproduced below for convenience:

The substrate is preferably a non-moisture-permeable substrate or a sparingly moisture-permeable substrate to restrain the odors of chemicals, to prevent dryness and to prevent the evaporative dissipation of effective components when the depilatory composition is used.

As stated throughout the specification, the depilatory gel sheet of the present claims may be used without drying. This is in stark contrast to the compositions of Hori which require drying (see for example the Abstract of Hori). Applicants draw the Office's attention to dependent Claim 30 which explicitly requires that the depilatory gel sheet of the invention is used to remove hairs from a body without drying the gel depilatory composition.

Applicants submit that Claim 30 is patentable over Hori on the grounds that the subject matter of at least Claim 30 must exclude the process of Hori which requires drying.

Applicants further draw the Office's attention to new dependent Claims 41 and 42 which state that the support of the depilatory gel sheet is non-moisture-permeable and sparingly moisture permeable, respectively. Applicants submit that the subject matter of new dependent Claims 41 and 42 is further patentable over the prior art relied upon by the Office because the presence of such a non-moisture-permeable substrate would prohibit use of the Hori composition which requires drying.

Applicants submit that all now-pending claims are patentable over the prior art relied upon by the Office. Applicants request withdrawal of the rejection and the allowance of all now-pending claims.

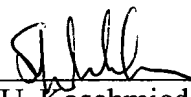
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